

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CORNEL JACKSON,

Plaintiff,

v.

KHALIB, et al.,

Defendants.

Case No. 1:20-cv-01567-NODJ-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DENY
PLAINTIFF'S MOTION TO RESCIND THE
SETTLEMENT AGREEMENT

(ECF No. 50)

Plaintiff Cornel Jackson is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 9, 2024, Magistrate Judge Erica P. Grosjean, having conducted the settlement conference in this action, filed findings and recommendations, recommending that Plaintiff's motion to rescind the settlement agreement be denied. (ECF No. 50.) The findings and recommendations were served on Plaintiff and contained notice that any objections were to be filed within fourteen (14) days of service. (*Id.* at 12.)

On January 23, 2024, the assigned Magistrate Judge granted Plaintiff's request for a fifteen (15) day extension of time to file his objections to the findings and recommendations. (ECF No. 52.) No objections have been filed, and the deadline to do so has expired.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed

1 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law
2 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
3 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
4 supported by the record and by the proper analysis. However, the court modifies the findings and
5 recommendations regarding the proposed modification to the fifth provision of the written
6 settlement agreement prepared by defendants. *See* F.&R. at 11. The court eliminates the last
7 sentence of the magistrate judge’s proposed language to conform to the parties’ agreement and to
8 avoid introducing ambiguity into that agreement.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The findings and recommendations issued on January 9, 2024 (ECF No. 50) are
11 ADOPTED in full with modifications as noted above and below;
12 2. Plaintiff’s motion to rescind the settlement agreement (ECF No. 41 [docketed as
13 Notice of Rejection of Settlement]) is DENIED;
14 3. The terms of the settlement are as reflected in the written settlement agreement
15 prepared by Defendants (*see* ECF No. 42-1 at 5–8) except for provision 5 of the Terms
16 of Resolution (*id.* at 6); that provision now states as follows:

17 Plaintiff agrees to dismiss this case, 20-cv-1567, with prejudice. He
18 also agrees to waive his right to any other lawsuit or claims regarding
19 him being at Madera County Jail, based on events occurring before
20 the date of the settlement conference, unless it is already part of a
lawsuit that is pending. The lawsuits that were pending, and thus not
included in the settlement, were 19-cv-1591, and Jackson v. Marley,
23-cv-149;

21 4. The settlement is effective on this date and all deadlines in the agreement shall run
22 from the date of this order; and
23 5. This matter is referred back to the assigned Magistrate Judge for any further
24 proceedings.

25 DATED: February 23, 2024.
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28 CHIEF UNITED STATES DISTRICT JUDGE